

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**JOSEPH BIFANO and KEITH  
RYNEARSON**

**Plaintiffs**

**v.**

**WAYMART BOROUGH**

**Defendant**

:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION NO. 3:16-245**

**(JUDGE MANNION)**

**ORDER**

In accordance with this court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1)** the Borough's motion for summary judgment ([Doc. 43](#)) is **GRANTED IN PART** with respect to plaintiffs' First Amendment claim;
- (2)** plaintiffs' state law claim against the Borough under the Pennsylvania Whistleblower Law is **DISMISSED** with leave to file in State Court.
- (3)** the Clerk of Court is directed to **ENTER JUDGMENT** in favor of the Borough with respect to plaintiffs' First Amendment claim; and
- (4)** the Clerk of Court is directed to **CLOSE THIS CASE**.

*s/ Malachy E. Mannion*

**MALACHY E. MANNION  
United States District Judge**

**DATE: March 28, 2019**

16-245-03